

JULY 8, 2019

The thirteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, July 8, 2019, 6:30 PM, with Deputy Mayor Edward J. McCague presiding. Trustees present were Ellen E. Barnes, Randall G. Holcomb, and Douglas L. Schutte. Also present were Village Clerk Joseph M. Johnson, Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling, and Fire Chief Steve Smouse. Absent were Village Attorney John I. LaMancuso, Village Treasurer Apryl Troutman and Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Schutte, to approve the minutes of the last regular meeting of the Board of Trustees, held June 24, 2019, with the exception to delete the word approve from Resolution #112-2019, regarding a draft of an addendum to the Police Services Agreement, between the Village of Lakewood and Town of Busti.

Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

AUDIT OF CLAIMS

Motion by Trustee Schutte, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated July 8, 2019, be approved and that the Clerk shall execute said abstracts (#6 & #6) and direct payment by the Treasurer. Trust & Agency Fund: \$ 46,044.88 (Checks #4768 thru #4769), General Fund: \$ 110,105.97 (Checks #15982 thru #16021)

Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

REPORTS

Deputy Mayor McCague announced that the 2019 Farmers' & Artisans' Market, will be held on Thursdays 10:00 AM – 2:00 PM, beginning July 11th and running through September 26th. He noted the site of the market has been switched to the parking lot of the former Wilson Farms store at the corner of East Summit St. and Chautauqua Ave. Deputy Mayor McCague encouraged everyone to check it out.

Department of Public Works Supervisor Thomas R. Pilling reported that work to upgrade the lighting fixtures throughout the Anthony C. Caprino Building is expected to begin sometime next week and that the DPW crew is finishing-up installing 400 ft. of sluice pipe along the west side of Shadyside Ave., south of Rt. 394. He said the stormwater drainage work is being done in advance of milling and paving this section of Shadyside Ave.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to four thousand nine hundred twenty incidents year-to-date, three hundred sixty-one of which occurred within the past two weeks. He also reported that the L-BPD's 2020 Safety Grant Application was approved, which will result in receiving funding in the amount of \$ 7,155.00, to be used towards aggressive driving enforcement. Chief Bentley concluded his report saying last Thursday's 4th of July Summerfest activities went smooth and without any incidents.

Mr. Rich Fischer, 43 West Fairmount Ave., thanked Police Chief Bentley and members of the L-BPD for patrolling Winch Road and enforcing the local speed limit.

Mr. William F. Chandler, 207 West Summit St., also thanked Chief Bentley and the L-BPD for enforcing the speed limit along West Summit Street.

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Mrs. Carol Jones, 144 West Summit St., extended her thanks to Chief Bentley and members of the L-BPD for responding to a concern regarding fireworks recently being shot over the road in her neighborhood.

Fire Chief Smouse reported that the Lakewood Volunteer Fire Department has answered five hundred twenty-two alarms year-to-date. With one hundred two calls answered last month, he said the LFD is on pace for over one thousand alarms in 2019. Chief Smouse also submitted the monthly alarm report for June 2019.

Although Village Clerk Johnson had no report, he fielding a question from Deputy Mayor McCague, who asked if the Village of Lakewood had received any word from the Chautauqua Co. Health Department, on the recent water sample taken at Richard O. Hartley Park/Beach.

Village Clerk Johnson reported he did receive a call last week from the Chautauqua County Health Department indicating the water at the public bathing beach was approved for swimming. He added the beach will be opening for the season this Wednesday, (July 10th).

COMMITTEE REPORTS

Trustee Schutte was pleased to report that the Lakewood Community Development Corporation, (LCDC) has received over \$ 3,000.00 in donations thus far which will help off-set the overall cost associated with the annual 4th of July Summerfest.

Trustee Barnes wished to thank members of the Department of Public Works, Lakewood-Busti Police Department and Lakewood Fire Department, for once again making the annual 4th of July Summerfest safe for all, plus for the set-up and clean-up following the event. Trustee Barnes also wanted to note that two times now, she has witnessed a motorist making a left turn out of the Tim Horton's exit onto Rt. 394 and driving into on-coming traffic.

Trustee Barnes then asked Deputy Mayor McCague if he has heard anything more about the possibility of revisiting the Lowe Park (Stream Daylighting/Sediment Capture) Project.

Deputy Mayor McCague indicated, to his knowledge, there hasn't been any further discussion about that particular project.

RESOLUTION #113-2019 – APPROVE USE OF VILLAGE STREETS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve the use of Village streets, as a portion of the route for the third annual 4 For 44 Relay Running Event, scheduled for Sunday, September 8, 2019. NOTE: The race is being organized by Endurancefactor, LLC, Ellicottville, N.Y.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #114-2019 – APPROVE PARTICIPANT GRANT AGREEMENT

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to approve the Participant Grant Agreement in connection with the New York Main Street Grant, (SHARS #2018-0100), as it relates to the project being proposed for the mixed-use property at 28 Chautauqua Ave., which is owned by Vincent J. & Marilyn C. Gerace, and to authorize Deputy Mayor McCague to execute the same.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

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RESOLUTION #115-2019 – ACCEPT OUTDOOR MUSIC PERMIT APPLICATION

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to accept the Outdoor Music Permit Application as submitted by John Streed, of Bluemoon Management, on behalf of Mr. Ryan Thayer, of Craft Burgers & Brews, 60 Chautauqua Ave. Per the application, the music group “The Probables” are scheduled to perform on the deck between 6:00 and 9:00 PM.

Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

ANYONE TO BE HEARD

Ms. Allison Drake, 31 Woodlawn Ave., appeared before members of the Board of Trustees to discuss a stormwater drainage issue she and a few of her neighbors are experiencing.

Mr. Robert Quinn, 31 Woodlawn Ave., said since he’s moved to Lakewood it seems as if the block between Woodlawn Ave. and Harlem Ave. is taking on more stormwater. He said following rain storms, water pools in both his front and back yards. The water has pooled in the yards for extended periods of time, creating mud holes. Mr. Quinn said it seems there is nowhere for the stormwater to go. He said it has been such a wet spring and summer, mosquitos have now become a problem. He said both his garden and driveway flood following rain storms. Also, during the winter months his driveway turns into an ice rink. In closing, Mr. Quinn, said he and his neighbors are asking the Village of Lakewood for any possible assistance or guidance concerning this matter.

Ms. Nancy Jones, 215 Locust Street, said during the past couple rain events, besides flooding occurring in her own backyard, stormwater rushes down Locust Street and runs west through the property at 214 Locust Street. Ms. Jones said the water level nearly reached the top of the house’s foundation and some of the water ends up running through the garage and down the cellar stairs. Ms. Jones said she is very disappointed that the sediment that was deposited under the viaduct on Rt. 394, following the last two rain events, hasn’t been cleaned-up yet.

Ms. June Barringer, 27 Woodlawn Ave., said half of her backyard is under water after it rains, and she has had to ask her son to raise the level of the shed located in her backyard. She said it seems the flooding in her front yard has gotten worse over the past three years.

Ms. Jeannie Nelson, 35 Woodlawn Ave., said she has the same issues as her neighbors and because there isn’t a drainage ditch in front of our homes, when the ditch on the other side of the street floods, water comes over the road into their front yards. She said, we as a neighborhood are just looking for a solution to this stormwater drainage issue, which has created a mosquito problem.

Ms. Anna Stafford, 39 Woodlawn Ave., said because her yard is lower than East Summit Street, stormwater runs off the street and pools in her side, front and back yards.

DPW Supervisor Thomas R. Pilling indicated to the Woodlawn Ave. residents in attendance that there is an existing drain pipe that runs along the east side of street, in front of their homes. He said the home owners are more than welcome to drain stormwater from their property into that sluice pipe. Mr. Pilling said the DPW could add a couple of catch basins with grates that could help, however it isn’t the Village’s responsibility to install/provide drainage for their backyards.

Deputy Mayor McCague said the recent rain events have accentuated stormwater drainage problems throughout the Village. He said Mr. Pilling will be willing to stop and speak with the Woodlawn Ave. residents about their specific drainage problem and provide some guidance in trying to correct it. Deputy Mayor McCague said Mr. Pilling is very busy, so we ask for your patience.

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Fire Chief Smouse indicated that he has experienced some flooding at his house on East Terrace Ave. over the years, however in his forty-five years as a member of the LFD, he has never seen the amount of rain that fell in such a short period of time during the recent rain events. He said it wouldn't have mattered what type of drainage system was in place, that amount of rain was uncontrollable.

Ms. Drake reiterated that the majority of her back yard floods when it rains and that she has lived at 31 Woodlawn Ave. for the past six years. She said it has become a health and safety issue for us and we just want to be heard this evening. Backyard flooding may not be an issue with the Village of Lakewood but to us, it is a big issue as well as the mosquito problem that goes along with it. Ms. Drake then commented on the wonderful drainage system that was recently installed between Gerald Ave. and Olive Ave.

Mr. Pilling indicated the difference between the backyard drainage problem on Woodlawn Ave. and the one between Gerald Ave. and Olive Ave., is that the drainage system in place there was installed on Village of Lakewood owned property, not private property.

Mr. Quinn said it would be very helpful to be able to tie some drain pipe from his yard into the sluice pipe in front of the house.

Trustee Barnes told the Woodlawn Ave. residents to feel free to come back after talking with Mr. Pilling about possible solutions to their drainage problems.

Mr. David G. Bargar, 11 Sunset Ave., asked if the Board of Trustees could provide an update on the New York Main Street Grant Project on Chautauqua Ave. and the stormwater management retrofit project for Chautauqua Ave. He asked if there are plans to form a committee and if so, where do we go from here. As a Chautauqua Ave. property owner, there hasn't been a whole lot of communication on the subjects and he obviously would like to see both projects move forward as quickly as possible.

Deputy Mayor McCague indicated that he has just received an update on the NY Main Street Grant Project from the Grant Administrator. The first project to move forward is the one at 28 Chautauqua Ave., while each of the other six are in various phases of review for subsequent approval.

Trustee Barnes indicated that unfortunately grant projects such as these do not move very quickly.

Trustee Schutte said once the applicants for the New York Main Street Grant get through some of the early mandatory steps, the projects will likely pick-up speed. Regarding the green infrastructure retrofit project, the committee is nearly the point of seeking bids for the project manager, followed by the hiring of an architect and construction firm. When asked what is the projected timetable for when construction will begin, Trustee Schutte said if things go as planned, the project's start-up date will be sometime in the fall of 2020.

Mr. Bargar asked if merchants and/or residents will be given an opportunity to provide some input on the proposed project.

Trustee Schutte said there will be opportunities for residents and merchants to provide input to the project committee as things move forward. He also noted that three Chautauqua Ave. merchants are members of the project committee. Also on the project committee is John Shedd, who has had a lot of experience in administering grants through his position at the Chautauqua Institution.

Ms. Colleen Anderson, owner of the Gifts of Grace gift shop at 102 Chautauqua Ave., appeared before members of the Board of Trustees, stating she is grateful to be here in Lakewood and so far the business is doing very well.

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Ms. Anderson said she is very concerned however about the daily presence of the local village wanderer. We all know who he is. Ms. Anderson said she has tried to deal with the situation as best she can, and has gone as far as reaching out to members of this particular person's family. She has been told over and over to just call the police.

She said the gentleman enters her store multiple times per day. Sometimes he can be nice and congenial, while other times he can be scary, which sometimes can be very frightening. Ms. Anderson said she shouldn't have to be afraid working alone in her store. She said the wanderer can be threatening when he gets loud and "in her face". She has been told that he has been around for years. That's all well and good, but there have been times when he has chased customers from her store upon entering.

Ms. Anderson said she has witnessed the wanderer screaming obscenities to passers-by and other businesses from the street corner. As a Hospice Nurse for many years, she realizes mental illness is a very difficult thing to deal with and knows him from having taken care of his late mother. Ms. Anderson said she has seen him become violent and has witnessed him making threatening comments to folks.

Ms. Anderson said her business has been open for the past six weeks now, and she has noticed a pattern when it comes to his behavior. She doesn't know what the answer is, but hates to feel afraid working in her own gift shop. Ms. Anderson said other places of business along Chautauqua Ave., have also experienced encounters with "the wanderer".

Police Chief John R. Bentley encouraged anyone who feels threatened by "the wanderer" to please call 911. Unfortunately the mental health system throughout the State of New York broke down about thirty years ago. Chief Bentley noted there are others suffering from some form of mental illness throughout our jurisdiction, that are as bad or worse than he is. If and when the behavior of these individuals gets to a certain level, law enforcement picks-up the person and transports them to a facility for a mental health evaluation. Typically, the patient receives medication and is back on the streets. The facility will only keep the patient for additional evaluation if he or she commits a crime. Chief Bentley said law enforcement cannot arrest a person with mental health issues, unless they commit a crime. Their mental illness is their defense.

Mr. David Card, 38 Chautauqua Ave., said at times some businesses have had to lock their doors for a while, until "the wanderer" moves on. That just isn't right.

Trustee Barnes said the mental health laws were changed by our NYS elected officials. She said the mental health problem has become a law enforcement problem, when it shouldn't be. She encouraged folks to contact their NYS lawmakers and say the current mental health laws are endangering the rest of us.

Ms. Anderson said as a single woman, she feels threatened and it isn't a good feeling. Dialing 911 and waiting three to five minutes for a response can seem like an eternity, especially when someone is in your face making threatening remarks. Ms. Anderson added said she has seen his violent side.

Deputy Mayor McCague said there is a difference between someone's behavior whatever it may be, when it is done on public property, versus similar behavior on private property. The private property owner or business proprietor has the option of filing a formal complaint against an individual on a charge of trespassing. Over time the complaint file on that person builds-up. The person causing a disturbance on a public street corner is a different scenario.

Trustee Barnes said trespassing and harassment are considered violations which don't come with any jail time.

Mr. David Bargar, 11 Sunset Ave., and business property owner, said he received a text from a female tenant, fearing "the wanderer" could become violent. Mr. Bargar said he spoke with his guardian, who suggested that if people feel threatened by him to file a written complaint with law enforcement.

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Deputy Mayor McCague agreed, saying by filing a written complaint, the guardian will have something to take before a judge if need be. He reiterated the suggestion to call 911 and file a complaint each and every time he comes onto your private property.

Trustee Barnes said a good rule to follow is, if you don't want him in your business or on your property, call 911.

Trustee Schutte wondered, because his guardian, who has had his own medical issues recently and therefore not been around as much, if his behavior has worsened over the past year.

Chief Bentley said the L-BPD has received dozens of complaints regarding "the wanderer", however his behavior has remained pretty steady since his mother died, which will be five years ago this September.

Ms. Carol Jones, 144 West Summit Street, said residents and law enforcement must follow a process to show a "paper trail" when dealing with someone with mental illness, because one never knows who, when, where or why. Because it generally isn't the person one suspects. She suggested that law enforcement contact the local office of mental health, and ask for guidance in dealing with this particular person. Ultimately, everyone is accountable.

Trustee Barnes indicated that New York State lawmakers have taken away the tools with which to deal with these type of situations. The problems are now on the streets throughout NYS in huge numbers. Law enforcement's hands are tied.

Ms. Susan Lane, 188 East Terrace Ave., believes it is a semantics question when it comes to comparing guardianship with adult protection and suggested that someone make a call to adult protection for some advice.

Chief Bentley said the origin of mental health issues across New York State began with the governor and lawmakers the in Albany.

In closing the discussion on the subject, Deputy Mayor McCague said he cannot emphasize the following statement enough. If anyone believes their safety is being threatened in any way, to please call 911.

Mr. David Card again asked about additional street signs and planters for Chautauqua Ave.

Deputy Mayor McCague told Mr. Card those items are on his list of things to look into.

Ms. Carol Jones, 144 West Summit St., showed members of the Board of Trustees a bag of fireworks debris that she collected from her driveway and lawn following the 4th of July holiday. She said although a lot of money has been allocated to clean-up the lake, with all the illegal fireworks that are shot around the lake, Chautauqua Lake becomes a debris field for the spent explosives. When Village of Lakewood officials happen to meet with various lake groups, discussions should include whether or not to allow fireworks to be shot out over Chautauqua Lake. She said it is easy to look the other way when people are polluting Chautauqua Lake with debris from fireworks and flares.

Mr. William F. Chandler, 207 West Summit Street, wanted to take a moment to publically thank crews from the Lakewood Department of Public Works and the Chautauqua Lake Association, (CLA), for removing debris from the Division Street right-of-way earlier this spring.

Motion by Trustee Barnes, seconded by Holcomb, and unanimously carried, the Board adjourned at 7:40 PM.

Joseph M. Johnson
Village Clerk

